United Nations CEDAW/C/JOR/Q/6

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
29 July 2016

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-sixth session
13 February-3 March 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Jordan

Constitutional and legislative framework

1. Please indicate whether the State party envisages addressing the lack of comprehensive non-discrimination legislation in Jordan and the absence of the grounds of sex and gender in the equality guarantee in article 6 of the Constitution by amending its Constitution and/or adopting legislation prohibiting discrimination against women and guaranteeing equality on the basis of sex, in accordance with its obligations under articles 1 and 2 (a) of the Convention (paras. 1 and 3).[1] Please also provide information on the inclusion of any constitutional guarantees envisaged to allow laws that are incompatible with the Constitution and international obligations to be challenged.

2. Mention is made of a number of laws and regulations that have recently been promulgated or are being amended to promote and afford greater protection to women's rights (para. 3 (b)), in particular the Passports Act, whose provision making the issuance of a wife's passport conditional upon the agreement of her husband or guardian has been annulled (para. 12). In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, please provide updated information on progress made in amending other discriminatory provisions, in particular of the Penal Code (paras. 7-9), the Family Protection Act, the Personal Status Act (paras. 109-115), the Labour Code (para. 63), the Social Security Act, the Civil Retirement Act (para. 93)

Note: The present document is being circulated in Arabic, English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party (CEDAW/C/JOR/6).

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and the Nationality Act (para. 50). Please also indicate whether any steps have been taken to ensure that the Crime Prevention Act of 1954 is not abused through "protective custody", which involves the administrative detention of women considered to be at risk of violence and breaches the State party's obligations under article 2 (d) of the Convention and impedes women's right to freedom of movement.

Reservations

3. Please indicate what steps are envisaged by the State party to lift its reservations to article 9 (2) and article 16 (1) (c), (d) and (g) of the Convention.

Refugee and asylum-seeking women

4. Please provide information on measures in place to protect refugee and asylum-seeking women and girls, in particular those living outside refugee camps, from gender-based violence, including sexual violence, and to protect refugee girls from early and/or child and forced marriage, often imposed by their families in the belief that doing so will protect them. Please also indicate what type of support services, such as accommodation, medical and psychological services and access to justice, are provided for women and girls who are victims of violence. Please indicate the regulations in force for Syrian and Palestine refugees from the Syrian Arab Republic seeking to enter the State party and provide updated data, disaggregated by sex, on how many such refugees are in the State party. Please also provide information on measures in place to ensure that the principle of non-refoulement is upheld for women and girls in need of international protection, and indicate whether there are plans to establish a clear gender-sensitive legal framework for asylum seekers and refugees that explicitly includes gender-related claims as grounds for asylum. Please provide updated information on the situation of Palestine refugees in Jordan, especially women, and on steps taken to ensure that they are able to fully exercise their rights, in particular to move about freely and to work. Please indicate whether the State party envisages repealing its policy of non-admission of Palestine refugees fleeing the conflict in the Syrian Arab Republic, which was adopted in January 2013, and whether it is considering acceding to the 1951 Convention on the Status of Refugees and the 1967 Protocol thereto.

Access to justice

5. Information was provided on the numerous complaints mechanisms accessible to women who are victims of discrimination or violence, including the Women's Rights Unit of the National Centre for Human Rights, the Women's Complaint Unit of the Jordanian National Commission for Women (paras. 3 (f) and 16) and the Justice Centre for Legal Aid. Please provide details on their mandates and the measures taken or contemplated to address their possible overlap. Please also provide information on the number of complaints submitted by women to these mechanisms, the types of alleged violations and the outcomes of those cases. Please further provide information on awareness-raising campaigns and other measures to encourage women, including disadvantaged groups of women, to bring complaints alleging sex or gender-based discrimination, and on obstacles faced by them to gain access to justice. Please indicate the measures taken by the State party to ensure that women are not discriminated against by criminal, civil and religious courts, and that they have effective access to justice and remedy, in particular in cases of domestic

violence (para. 10). Please indicate whether the State party is considering establishing a State-sponsored legal aid programme. Please provide detailed information on the measures taken to ensure the independence of the National Centre for Human Rights, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also provide information on its mandate in relation to women's rights, and on its human, technical and financial resources.

National machinery for the advancement of women

6. It is reported that the Jordanian National Commission for Women developed a national strategy for women, covering the period 2013-2017 (para. 17). Alternative sources of information also informed the Committee that its visibility and its financial allocations have been increased. Please indicate whether National Commission, as the national machinery for the advancement of women, is now adequately equipped in terms of human, technical and financial resources to coordinate the policies and the mechanisms at the central and local levels, including by opening branch offices in all governorates, to achieve the full and uniform implementation of the Convention throughout the territory of the State party. Please provide information on the proportion of the national budget allocated to the machinery. Please also provide information on the current status of implementation of the National Strategy for Women, and clarify the role of the National Commission in such implementation. Please indicate the results of any assessments conducted. Please provide detailed information on the mandate of the women's liaison and empowerment unit created in 2013 (para. 19) and indicate whether a system of collaboration between these female liaison officers and the national machinery has been established.

Temporary special measures

7. Mention is made of efforts in applying temporary special measures with regard to the political participation of women, such as the provisions in the new Parliamentary Elections Act (2016) and the revised Municipalities Act (2015) (paras. 22 and 40). In the light of the Committee's previous concluding observations (CEDAW/C/JOR/CO/5, para. 22), please provide information on further temporary special measures taken or envisaged to accelerate the full and equal participation of women in all areas covered by the Convention, including education and employment.

Stereotypes

8. It is indicated that the media are encouraged to present a positive image of women and eliminate traditional stereotypes by means of special programmes. It is also reported that the Government's 2013-2016 action plan is aimed at promoting a balanced picture of the family in general and women in particular (paras. 27-28). No mention is made, however, of the measures taken by the State party, in line with article 5 of the Convention, to modify deeply entrenched patriarchal attitudes that exacerbate the subordinate role of women in the family and society, with a view to creating an enabling environment that is conducive to changing attitudes, customs and practices and amending discriminatory laws, thus strengthening women's ability to enjoy all their human rights. Please provide information on policies and action plans under consideration, as well as an indication of timelines in that regard.

Violence against women

9. It is reported that the act amending the 2011 Penal Code imposes harsher penalties for crimes of physical and sexual violence, such as rape, indecent assault, abduction and sexual harassment (para. 6). Please provide data, disaggregated by sex, age, nationality and relationship between the victim and the perpetrator, on cases of violence against women, in particular domestic and sexual violence, reported since 2013, including the number of convictions and sentences imposed. Please specify whether steps have been taken to review the Family Protection Act or adopt specific legislation to eliminate all forms of violence against women in all settings, including marital rape and crimes committed in the name of so-called honour (paras. 7-8). Please indicate what is planned to address the prevalent recourse to reconciliation in case of domestic violence, in the context of the Family Protection Act and the establishment of a special domestic violence court under the Family Reconciliation and Mediation Offices Statute (2013), which can lead to the revictimization of women (paras. 10-11). Please clarify whether family reconciliation in domestic violence cases means that perpetrators are exempt from punishment.

10. It is indicated that the State party accepted the annulment of article 308 of the Penal Code exempting rapists from punishment if they marry their victims and the repeal of any legislation discriminating against women when discussing its second national report under the universal periodic review mechanism before the Human Rights Council on 24 October 2013 (para. 9). Please indicate what action has been taken by the State party to fully repeal article 308 and remaining discriminatory provisions, in line with article 2 (g) of the Convention, with a view to bringing the Code into full compliance with the Convention. Please also indicate whether the State party is considering repealing articles 97, 98 and 340 of the Code in order to ensure that perpetrators of crimes committed in the name of so-called honour are seriously investigated and that perpetrators do not benefit from mitigating circumstances, even if the act is committed against a person over 15 years of age (para. 8), and thus are prosecuted and punished accordingly. Please also provide information on the number of convictions and the sentences imposed on perpetrators of crimes committed in the name of so-called honour since 2013. What strategies are being developed to protect women and girls from such crimes through measures other than protective custody and to ensure the rehabilitation and reintegration of victims into society?

11. Please provide further information on measures taken to ensure that women and girls who are victims of violence, including disadvantaged groups of women, have access to effective remedies and protection. Please also provide information on legal, medical and psychological assistance and rehabilitation for victims, in particular in rural areas, and on the number, capacity and geographical distribution of, and the conditions in, shelters. What measures have been taken to address cultural attitudes preventing women from reporting cases of violence? What steps have been taken to systematically collect data on violence against women and girls in the State party?

Trafficking and exploitation of prostitution

12. Please indicate whether measures have been taken to align the definition of trafficking in the Act to Prevent Trafficking in Persons (2009) with that provided in

the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Please provide updated data, disaggregated by sex, age and nationality, on the number of victims of trafficking in the State party, indicating whether the victims were trafficked for labour or sexual exploitation purposes. Please specifically provide information on measures taken for Syrian refugee girls working in domestic services and agriculture. Please also indicate the number of cases investigated, persons prosecuted and convicted and sentences imposed under the Act for the period under consideration. Please inform the Committee of the human, technical and financial resources allocated to the National Committee for the Prevention of Human Trafficking to implement the Act and the National Strategy to Combat Trafficking in Persons and its action plan (paras. 35-36). Please provide information on attention being paid to disadvantaged groups of women, such as refugees, migrant domestic workers and women exploited in prostitution, who, according to information received by the Committee, continue to face arbitrary arrest, imprisonment and even deportation. Please further indicate the measures taken to overcome the obstacles identified by the State party in investigating cases of trafficking in persons (para. 39).

Participation in political and public life

13. It is indicated that the low participation of women in political and public life, including at the decision-making level, is because of the dominant patriarchal culture and gender stereotyping in the State party, as some believe that the nature of political work makes it an unsuitable job for a woman (para. 44). Please provide information on measures taken to address those obstacles to the advancement of women, including by raising the awareness of society as a whole of the importance of women's participation in decision-making, and by enhancing the capacity of women and encouraging their participation in political and public life. In that regard, please provide information on the status of implementation of the strategy for 2012-2017 to promote women's political participation in all elected bodies at the parliamentary, municipal, union, professional association, chamber of commerce and industry levels, as well as on the results achieved (para. 42). Please also indicate whether steps are being envisaged to review the Parliamentary Elections Act (15 seats out of 130 reserved for women), the Municipalities Act (25 per cent female quota), the Decentralization Act and the Political Parties Act (no female quota) to introduce a 30 per cent quota for women's representation at the national, governorate and municipal levels and in political parties. Please indicate whether other measures are envisaged to increase the low share of women within the executive and judicial branches and in the diplomatic service (paras. 45 and 48), in particular by introducing temporary special measures.

Nationality

14. Please provide information on any progress with respect to amending the Nationality Act to ensure equality between women and men with regard to the acquisition, the change and the retention of nationality and to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children (para. 50). Please further indicate what measures have been taken to ensure that the decision of the Cabinet to grant privileged services and facilities (*mazaya*) to the children of Jordanian women married to non-Jordanian men with respect to

education, health, work, estate, investment and obtaining a driver's licence are effectively implemented (para. 51). Please also indicate any steps taken by the State party to withdraw its reservation to article 9 (2) of the Convention.

Education

15. Please provide information on the measures taken to further reduce the female illiteracy rate (9.9 per cent, compared with 3.5 per cent among males in 2012) and ensure girls' access to extracurricular activities and sports activities in schools (paras. 28, 56 and 58), especially in rural areas, and to remove discriminatory gender stereotypes from school curriculums and textbooks. Please also provide information on steps taken to ensure unlimited access for married young women to compulsory and free school education. Please indicate whether the State party envisages developing and implementing national strategies and action plans aimed at eliminating traditional stereotypes and structural barriers that might deter the enrolment of girls in non-traditional fields of education at the secondary and tertiary levels (para. 57). Please describe steps taken in collaboration with the private sector to develop a market need-based, gender-sensitive career guidance programme.

Employment

16. The Committee notes the very low participation rate of women in the labour market (13.2 per cent, compared with 60.43 per cent for men) and their overrepresentation in the informal sector (27 per cent), the significant discrepancy in the unemployment rate (22.2 per cent for women and 10.6 per cent for men), the persistent gender wage gap in both the public and the private sectors (12.3 per cent in favour of men on average), the lack of a provision in the Labour Code that entails equal pay for men and women for work of equal value, and the continuous horizontal and vertical gender segregation in the labour market (paras. 60-64). Please provide information on further steps taken to address those issues, in addition to those described in the report (paras. 61-68), and indicate whether impact assessments have been undertaken to evaluate the progress made. If so, please indicate the results. Under article 72 of the Labour Act, organizations with at least 20 female employees are required to provide day-care facilities on their premises and to cater to at least children under 4 years of age. Please provide information on how the State party is monitoring those measures. Please provide information on further measures taken to provide working women with the necessary support services and to promote the concept of shared family responsibility in order to reconcile professional and family life (paras. 69 and 73). Please provide information on measures taken to ensure that the Labour Code covers all cases of sexual harassment in the workplace (para. 71).

Women domestic migrant workers

17. Please describe the measures taken to combat exploitative working conditions of women and girls employed as domestic workers, including migrants (para. 36), by protecting them from economic and physical exploitation by their employers and ensuring their freedom to change employers without having to seek permission from their original sponsors. What steps have been taken by the Directorate of Non-Jordanian Domestic Workers' Affairs of the Ministry of Labour (para. 67) to regulate recruitment agencies and implement the regulations on domestic workers? Please indicate whether the Directorate of Domestic Workers and the Inspection

Directorate have the entitlements and the resources to ensure the effective implementation of the legal measures taken following visits to businesses or consideration of complaints brought to them (para. 70). Please provide information on specific steps taken by the State party to ensure that women domestic migrant workers are aware of their rights and have access to legal aid and protection, including shelters, as well as to effective legal recourse in criminal and civil courts. Please also indicate whether any measures are being contemplated to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Convention.

Health

18. Please provide information on steps taken to address any disparities in delivering health services to women and to ensure that health services of good quality, including sexual and reproductive health services, in particular access to modern and emergency contraceptives, are provided to the largest possible segment of women in the State party. Please indicate what steps the State party is taking to amend its legislation on abortion, with a view to including other grounds for performing legal abortions, in addition to threats to the life of the mother, in particular in cases of fetal malformation and pregnancies arising from incest and rape. Please indicate what steps are being taken to ensure that women who are victims of sexual violence have access to safe abortion services and post-abortion care. Please also provide an estimate of the number of unsafe abortions carried out annually in the State party (para. 89). Please indicate the number of women who have been held in detention and sentenced for having undergone an abortion in the State party within the reporting period, including information on the length of such detention. Please indicate whether age-appropriate education on sexual and reproductive health and rights, including on risky behaviour patterns and HIV/AIDS, has been integrated into the regular school curriculums, especially at the secondary level.

Rural women

19. It is reported that poverty is higher among females in the countryside than in urban areas because of the size of rural families, a lack of jobs locally, limited basic social services and a high level of illiteracy among female heads of household compared with male heads of household (para. 103). Please indicate whether the numerous training courses and capacity-building projects described in the report and targeting rural women, including rural women who head households (paras. 99-104), have been assessed and, if so, indicate the results. Please further provide information on the measures taken to ensure that rural women have access to health and education and income-generating activities. Please also inform the Committee of steps taken to address discriminatory practices that particularly prevent rural women from inheriting or acquiring ownership of land and other property (para. 100).

Women with disabilities

20. It is indicated that work is under way on amending the law to protect persons with disabilities from violence and women with disabilities from forced sterilization (para. 87). Please indicate the time frame for such amendment and the resources

allocated for its effective implementation. Please also indicate the steps taken to ensure that the rights of women with disabilities are mainstreamed into the national strategies and action plans for women, and that adequate social and health services support is provided to families with girls and women with disabilities.

Marriage and family relations

21. Please provide information on the measures taken or envisaged to repeal the discriminatory provisions contained in the State party's Personal Status Act, with a view to discouraging and prohibiting polygamous marriage in practice and in law (para. 113); repealing the exceptions under which marriage before 18 years of age can be lawful under certain circumstances, leading to girls dropping out of school (para. 109); eliminating the requirement of guardians for women for marriage, notwithstanding the woman's consent, and the restrictions on women's right to work and to divorce; and combating the persistent discrimination against women and girls from all religious communities in the area of inheritance, as both daughters and widows, under the Civil Status Act (para. 114). Please also indicate whether the State party may consider the possibility of introducing an optional system of civil marriage and divorce available for all. Please indicate the progress made towards the withdrawal of the State party's reservation to article 16 (1) (c), (d) and (g) of the Convention.

Optional Protocol to the Convention

22. It is indicated in the report of the Working Group on the Universal Periodic Review that the State party did not support a recommendation that it ratify, among others, the Optional Protocol to the Convention (A/HRC/25/9, para. 120.8). Please explain why the State party is not willing to accede to the Optional Protocol. Please also indicate whether any progress has been made towards accession since the second cycle of the universal periodic review, in 2013.